



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,659	06/20/2006	Michael E. Hannington	AVERP3187WOUS	8910
48556	7590	09/19/2008		
RENNER, OTTO, BOISSELLE & SKLAR, LLP (AVERY)			EXAMINER	
1621 EUCLID AVE			NORDMEYER, PATRICIA L	
19TH FL				
CLEVELAND, OH 44115-2191			ART UNIT	
			PAPER NUMBER	
			1794	
			MAIL DATE	
			DELIVERY MODE	
			09/19/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,659

Applicant(s)

HANNINGTON, MICHAEL E.

Examiner

Patricia L. Nordmeyer

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 45-57 is/are pending in the application.
- 4a) Of the above claim(s) 45-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 55-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Repeated Rejection

1. The 35 U.S.C. 102(b) rejection of claims 1 – 21 and 55 – 57 as anticipated by Hannington et al. (WO 01/81080 A1) in the office action dated April 3, 2008 is repeated as Applicant's arguments in the response dated July 3, 2008 are unpersuasive. The rejection is repeated below for Applicant's convenience.

Hannington et al. disclose an adhesive article (Claim 1, line 1) comprising: a release liner comprising a release surface (Claim 1, lines 2 and 3), a molding layer (Claim 1, line 2) and a second surface (Claim 1, lines 2 and 3); a continuous layer of adhesive having a first surface, a second surface and end edges (Claim 1, lines 7 - 9), wherein the first surface of the adhesive is adhered to the release surface of the release liner (Claim 1, lines 7 – 9); a first pattern of first non-adhesive material forms having a first surface and a second surface (Claim 1, lines 4 – 5); and a second pattern of second non-adhesive material forms having a first surface and a second surface (Claim 22, lines 1 – 4), wherein the second pattern partially overlaps the first pattern (Page 8, Paragraph 30); at least one of the first and second patterns is at least partially embedded in the release surface and molding layer of the release liner (Claim 1, line 6); the first surface of each of the two patterns is in contact with the release surface of the release liner (Claim 1, line 6), the second surface of each of the two patterns is in contact with the adhesive layer (Claim 1, lines 7 – 9); and the first surface of at least a portion of the first pattern of non-adhesive material forms is in a plane that is different from the plane of the first surface of at least a portion of the second pattern of non-adhesive material forms (Page 8, Paragraph 30) in claim 1. As in claims 2,

each of the non- adhesive material forms independently has an average thickness of about 30 nanometers to about 100 μm (Page 8, Paragraph 30). With regard to claim 3, each of the non- adhesive material forms independently has an average thickness of about 3 μm to about 30 μm (Page 8, Paragraph 30). Regarding claim 4, each pattern of non- adhesive material forms independently is applied by printing, vacuum metallization or sputtering (Claim 6). As in claim 5, at least one of the non- adhesive materials independently comprises at least one printing ink, UV curable ink or coalescing ink (Claims 15 – 17). With regard to claim 6, each pattern of non- adhesive material forms independently comprises a plurality of dots, lines or combinations thereof (Page 8, Paragraph 30). Regarding claim 7, each pattern of non- adhesive material forms independently comprises a plurality of lines having an average width of from about 12 μm to about 250 μm and an average thickness of from about 30 nanometers to about 100 μm (Page 8, Paragraph 30). With regard to claim 8, the each pattern of non- adhesive material forms independently comprises a plurality of lines, and wherein at least 50% of the lines intersect the end edges of the adhesive layer (Claim 25). As in claim 9, each pattern of non-adhesive material forms comprises a plurality of non-intersecting lines, and wherein the lines from the first pattern and the lines from the second pattern intersect to form a grid pattern (Page 8, Paragraph 30). Regarding claim 10, the adhesive layer comprises a pressure sensitive adhesive or a heat-activated adhesive (Claims 23 and 24). With regard to claim 11, at least one of the first and second non-adhesive material comprises a porous non-adhesive material (Claim 18). As in claim 12, the porous non-adhesive material comprises an elastomer (Claim 19). As in claim 13, the adhesive is a pressure sensitive adhesive (Claim 23). Regarding claim 14, the release surface of the release liner has a textured or matte surface (Claims 11 and 12). With regard to claim 15, the

first surface of the adhesive layer has a textured surface that is complementary to the textured surface of the release liner (Page 13, Paragraph 41). As in claim 16, the release surface of the release liner has a Sheffield roughness of at least about 50 (Claim 10). Regarding claim 17, the article further comprising a facestock adhered to the second surface of the adhesive layer (Claim 2). With regard to claim 18, the article further comprising a second release liner adhered to the second surface of the adhesive layer (Claim 26). As in claim 19, the second surface of the release liner has a release coating thereon (Claim 27). Regarding claim 20, the article further comprising a facestock having a first and second surface wherein the first surface is in contact with the second surface of the adhesive layer and a second adhesive layer having a first and second surface wherein the first surface of the second adhesive layer is in contact with the second surface of the facestock (Claims 28 and 29). With regard to claim 20, the article further comprising a second release liner adhered to the second surface of the second adhesive layer (Claim 26). Hannington et al. also disclose an adhesive article (Claim 1) comprising: a continuous layer of adhesive having a first surface, a second surface and end edges (Claim 1, lines 7 – 9), and a first pattern of first non-adhesive material forms (Claim 1, lines 4 and 5) and a second pattern of second non-adhesive material forms wherein the second pattern partially overlaps the first pattern (Claim 22); at least one of said first and second patterns is at least partially embedded in the first surface of the adhesive layer (Claims 1 and 22); each of said first and second patterns has an exposed first surface and an opposite second surface that is in contact with the adhesive (Claims 1 and 22); the first surface of at least a portion of the first pattern of non-adhesive forms is in a plane that is different from the plane of the first surface of at least a portion of the second pattern of non-adhesive forms (Claims 1 and 22); and at least a portion of

the first pattern protrudes from the first surface of the adhesive layer (Claims 1 and 22) as in claim 55. As in claim 56, the article further comprising a facestock adhered to the second surface of the adhesive layer (Claim 2). With regard to claim 57, the article further comprising a release liner adhered to the second surface of the adhesive layer (Claim 26).

Response to Arguments

2. Applicant's arguments filed July 3, 2008 have been fully considered but they are not persuasive.

In response to Applicant's argument that the reference does not teach a first pattern of first non-adhesive materials forms and a second pattern of second non-adhesive forms "wherein the second pattern partially overlaps the first", Hannington et al. clearly states that combinations of patterns may be used. The example listed in Paragraph 30 is the combination of a grid of intersecting lines with random or patterned dots. The two patterns overlap since they are being used together over the same area.

In response to Applicant's argument that the references does not teach two pluralities of lines that intersect to form a grid pattern, Hannington et al. clearly states in paragraph 8 that a pattern is made up of a grid of intersecting lines. The parallel running lines would be the first pattern and the perpendicular lines would be the second pattern.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Primary Examiner
Art Unit 1794

/Patricia L. Nordmeyer/
Primary Examiner, Art Unit 1794